

THAW MAKES DARING ESCAPE
FROM MATTEAWAN ASYLUM
IN HIGH POWER MOTOR CAR

Slips By Guard as Milkman
Enters the Grounds Early
Yesterday; Goes To-
ward Connecticut

BELIEVED NOW TO BE
ON PRIVATE YACHT
EN ROUTE TO EUROPE

In Spite of Close Manages to
Throw Pursuers Off Track—Big
Car Whirled Through Villages in
Cloud of Dust—Guard Placed
Under Arrest

Harry K. Thaw, slayer of Stanford
White, escaped from the state asylum
for the criminal insane at Matteawan
at 7.45 o'clock Sunday morning. The
vigilance of thousands of policemen
and detectives in New York and
neighboring states had failed to fur-
nish a clue to his whereabouts early
today.

Darting past an attendant who had
just opened the gate to the asylum
grounds for the milkman to enter,
Thaw leaped into a six cylinder auto-
mobile which stood throbbing oppo-
site the entrance, and disappeared in
a whirlwind of dust in the direction
of Connecticut state line. A second
automobile followed him.

In his powerful car, Thaw swept
through the hamlet of Stormville 10
miles away, at 60 miles an hour,
heading for Connecticut. Dr. F. R. C.
Keib, the hospital head believes Thaw
fled to some spot on the shore of
Long Island sound and boarded a
yacht for Europe.

A reward of \$500 has been offered
for Thaw's apprehension.

Thaw's former counsel and officials
of the state hospital commission ex-
pressed the opinion that Thaw would
be a free man once outside the state's
boundaries. They thought he could
not be brought back to New York by
extradition unless he were legally ad-
judged insane in the state to which he
fled.

Mrs. Mary Copley Thaw, the fugi-
tive's aged mother, manifested de-
light at his escape. Mrs. Evelyn Nes-
bit Thaw, playing at a New York
theatre professed to be terrorized and
said she feared he would attempt to
execute his threat to kill her. Police
and detectives guarded her.

Howard H. Barnum, the asylum at-
tendant, who witnessed Thaw's suc-
cessful break for liberty, was locked
up in the county jail on a charge of
aiding and abetting Thaw in his escape.

William T. Jerome, the former dis-
trict attorney of New York who has
thwarted all Thaw's legal attempts to
gain freedom, refused to express his
opinion as to whether Thaw could be
brought back to New York when
found. District Attorney Whitman of
New York likewise declined to give
his views.

The mixup in Albany over the gov-
ernorship is regarded as favorable to
Thaw's prospects of remaining long
out of the state, even if he should be
apprehended. Martin H. Glynn, as
acting governor, directed by tele-
graph the superintendent of state
prisons to make a report on Thaw's
escape and said he would begin at
once a sweeping inquiry.

Matteawan, N. Y., August 17.—Harry
K. Thaw, the slayer of Stanford White,
escaped from the hospital for the criminal
insane here at 7.45 o'clock Sun-
day morning. A dart for liberty through
an open gate, a leap into the open door
of a powerful automobile that stood
quivering outside and a flight like a
rocket for the Connecticut state line

(Continued on Page Eight)

Mrs. Mary Thaw Elated
Over Her Son's Escape

New York, August 17.—Harry K. Thaw's
mother, Mrs. Mary Copley Thaw, did not
attempt to conceal her satisfaction over
her son's escape when talking tonight
with reporters at the hotel, where she ar-
rived yesterday from her summer home
at Cresson, Pa.

"If this means that Harry is going off
that he is getting away entirely—I am not
sorry," she exclaimed when informed by
her daughter, Mrs. George Carnegie, who
was the first of the family here to receive
the news.

"This is a complete surprise to me," she
declared. "I was on my way to see Harry
and was to have visited him at Matteaw-
an tomorrow. Mr. and Mrs. Carnegie ar-
rived here on a steamship yesterday from
Spitzbergen, and, of course, could know
nothing of Harry's plan to leave Mat-
teawan."

Interest in the laws of Connecticut and
other states was manifested by Mrs.
Thaw. "I don't prognosticate," she said,
when asked what her son might do. "We
can all speculate, and that is all I can do

Harry K. Thaw
Photo by MorceusMRS. THAW FEARFUL
LEST HER HUSBAND
MAY TAKE HER LIFE

Uniformed Police Guard
Every Entrance to Her
Hotel in New York

"HARRY THREATENED
TO KILL ME," SHE SAID

Believes Husband Will Make Straight
For New York—Declares State
Has Great Deal to Answer
For in This Case

New York, August 17.—Uniformed
police stood guard tonight at every
entrance to the hotel where Evelyn
Nesbit Thaw is staying. Always fearful
of her husband, she showed her ter-
ror to a marked degree on learning t-
at he was at large. Her mother, Mrs.
Charles J. Holman, was frightened even
more than she, and urged Mrs. Thaw to
go into seclusion until Thaw is found.

"Harry has threatened to kill me,"
Mrs. Thaw said, "and I believe my
presence in New York prompted him to
escape. Four years ago he told me:
"Suppose I will have to kill you next;
many men will have cause for fear
now that he is free. He considers Dr.
Austin Flint his worst enemy and un-
doubtedly will try to make trouble for
him."

"The state of New York has a great
deal to answer for in this case. What
Harry Thaw has been allowed to do at
Matteawan is an outrage to think of.
Bribery, connivance and keepers bullied
by all the power of his money. And now
he is allowed to escape. I suppose \$20,000
or \$30,000 look pretty good to some peo-
ple."

"One thing is certain:
"Harry won't stay in hiding long.
He'll be heard from soon. A few drinks
make him a raving mad man and when
that happens he'll head straight for
New York. He's crazy to get here, and
he won't be able to stay away. I have
made up my mind, however, not to
worry. If anything is going to hap-
pen I can't stop it. I am awfully glad
my baby is in London, though, and I
think he'll be safe there."

"I am through, absolutely, with
Thaw. I was the happiest of girls till
I met Harry. Then my life darkened
and I was miserable. Indeed, I deter-
mined last May to cut out from him.
I thought I have been happy. I don't
want to use his name because I think
it is a hoodoo. I don't want my baby
called by that name. I don't want to
curse anybody with it."

"It's pretty hard to tell what Harry
will do now that he's free. Harry is
crafty; I think he has it in mind to
start some legal action. He certainly
took into consideration conditions at
Albany and timed his escape for the
right moment. He knows the mixup
between the governor and the legisla-
ture made the time just right for such
an attempt."

"There's another man besides Flint
who has cause to fear Harry. A law-
yer named Delaford told Harry's
mother that Harry was crazy long be-
fore he shot his way out of Matteawan.
He always threatened to do some-
thing to him. He's terribly re-
vengeful. He was that way before he
killed White. In fact, Harry's trouble
with Stanford White started over an-
other girl long before he met me."

Mrs. Thaw refused to name the other
woman. Private detectives were placed
in the hotel to reinforce the uniformed
police outside, but police headquar-
ters refused to detail central officers
detectives to guard her.

Now, I do not believe he will commu-
nicate with me at present, but if he does,
I think it will be only to tell me to go
back to my home and rest without worry-
ing. He knows I am getting old. I am
sure he will not ask me to join him,
wherever he may be, for he will not wish
to make it any harder for me."

Mrs. Thaw said she sent a telegram to
Harry today, telling of her expected ar-
rival tomorrow and this afternoon was in-
formed by the Matteawan authorities that
the message could not be delivered.

Evelyn Thaw's declaration concerning
Harry brought an expression of
irony from Mrs. Thaw.

"Mr. Jerome and Dr. Flint taught Evelyn
to say that," she commented. "Con-
sidering her present profession, we can
understand why she should make such a
public statement at this time."

Mrs. Thaw said she had not commu-
nicated with her daughter-in-law for many
months. "Harry cut her out of his heart
at the first proceedings to get free and
cut off her allowance after the second,
and I am glad of that. But she had
sources of revenue that none of us know
about, I guess," she added.

It is Mrs. Thaw's intention to return to
Cresson, Pa., Tuesday.

Theatrical Escape of Thaw
Adds Another Chapter to
the Murder of Stanford
White in 1906SEVERAL ATTEMPTS
MADE TO RELEASE
THAW FROM ASYLUM

White Killed While Attending a Per-
formance at Madison Square Gar-
den by Thaw, Who Immediately
Gave Himself up—Married
Evelyn Nesbit in 1905

New York, August 17.—The theatrical
escape of Harry K. Thaw from the state
hospital for the criminal insane at Mat-
teawan, adds another act to the sensa-
tional tragedy, which had its begin-
ning in New York city on the night of
June 25, 1906. On that occasion, in
company with his young wife, Evelyn
Nesbit Thaw, and two friends, Thaw
went to the Madison Square roof gar-
den to witness the opening perfor-
mance of a musical comedy.

Near the close of the performance
Thaw left his seat and began to pace
back and forth in the aisle behind the
seat occupied by Stanford White, an archi-
tect of international fame, and his son.
The elder White was 53 years old and in
his distinguished career had stamped on
many of New York city's prominent build-
ings the mark of his artistic genius.

Madison Square Garden itself was one
of the architect's triumphs, and he had
a studio in its tower.

White Killed
In this setting Thaw drew a revolver
and fired three bullets into Stanford
White's body. The architect died almost
instantly.

It is believed White did not see his
slayer. In the ensuing confusion no one
made an effort to intercept Thaw, who
for a moment stood over his victim's pro-
strate body. Then he walked to the ele-
vator of the roof garden where he met
a house detective and handed over the
revolver without resistance.

Thaw then was arrested by a police-
man and while the officer's hand was on
his shoulder Mrs. Thaw rushed up to her
husband and placed her arms around his
neck. Thaw assured his wife that it
would be "all right" and not to worry.
To this Mrs. Thaw rejoined, "I did not
think you would do it that way," and
he added: "Never mind, Harry, I'll stick
to you through thick and thin."

Thaw at the time of the tragedy was
27 years old and was known as a
young sprightly millionaire from Pitts-
burgh.

William Thaw, the father, was a poor
mechanic in Pittsburgh, and then made
small ventures in coal lands with increas-
ing good fortune. He was said at one
time to be the wealthiest individual owner
of the Pennsylvania railroad. When he
died his estate was said to be worth \$40,-
000,000.

By the will Harry Thaw was allowed
\$2500 a year, and his mother increased
this to \$80,000 annually.

Married in 1905
Evelyn Nesbit married Thaw in Pitts-
burgh April 4, 1905. She was noted
among artists for her beauty, and had
been in turn model and actress.

With Thaw in the toms, a legal right
to free him began with his family's
millions behind a formidable array of
counsel. His first triumph, however, was
a disagreement. At the second trial the
jury acquitted him on the charge of
murder on the ground that he was in-
competent when he shot White and Justice
Dwight committed Thaw to Matteawan
as an insane criminal.

He entered the asylum February 8,
1908. Since then the Thaw family has
been a constant source of trouble, and
efforts to have Thaw declared sane and
set at liberty.

Attempts at Release
In May, 1908, Supreme Court Justice
Morschauer decided against an attempt
to release Thaw on habeas corpus pro-
ceedings. In June, 1908, a similar writ
was denied by Justice Keib. The time
before Justice Mills. The case then went
to the state court of appeals, which
sustained the decision of the lower
court. A third effort in July, 1912, re-
sulted in Justice Keib's decision against
the other supreme court justices that
Thaw still was insane.

There was a scandal recently over
alleged attempts to engineer Thaw's
release through the attempted bribery
of Dr. John W. Russell, former super-
intendent of the Matteawan hospi-
tal. An inquiry resulted in the in-
dignation of Mr. Russell, a young
New York attorney, employed by Thaw.

On May 17, last, Anhalt was found
guilty of offering Dr. Russell a \$20,-
000 bribe and was sentenced to from
two to four years at Sing Sing. The
present superintendent at Matteawan,
Dr. Raymond C. Keib, was appointed after
Dr. Russell, resigned.

Jerome Has No Statement
Lekeville, Conn., August 17.—The
news of the escape of Harry Thaw from
Matteawan broke in upon the quietude
of the week-end visit of Tillman Travers
Jerome, former district attorney of
New York, at his summer home here.

Mr. Jerome conducted the state's cases
against Thaw, and since retirement
from office had been retained on different
occasions to oppose Thaw's efforts
to obtain release from the institution.

Regarding the escape Mr. Jerome
said: "I have no statement to make
or comment to offer. I know nothing
of the facts, and I have at the present
time no connection with the Thaw
case."

Mr. Jerome was asked as to Thaw's
legal status now that he is out of New
York state. The former district at-
torney said he was unable to answer
this as Thaw's status would be gov-
erned by circumstances. Jerome ex-
pects to return to New York tomor-
row.

Brother Retient
Bar Harbor, Me., August 17.—Benjamin
Thaw and his family of Pittsburgh are
stopping at a hotel here. Mr. Thaw
learned of the escape of his brother,
Harry, from Matteawan asylum, from
newspaper men today, but refused to dis-
cuss the matter.

"This is the first that I have heard of
it," he said. "I know nothing about it. I
have not seen Harry Thaw recently and
have been here for some time. I do not
wish to be quizzed about the affair. I
have no information other than what you
have told me and I have absolutely noth-
ing to say."

May Be in Bungalow
Danbury, Conn., August 17.—Word of
the escape from the Matteawan, N. Y.,

ADMINISTRATION IS
NOW TRYING TO
REPLY FROM HUERTA

Mexican Situation Continues
Apparently Unchanged
Officials Hopeful

BRYAN EXPECTS NO
REPLY FOR DAY OR SO

Representatives of Constitutionalists
Watching Developments With a
Keen Interest—American
Hulse Family Safe

Washington, August 17.—The Mexican
situation continued apparently unchanged
today, with President Wilson and Sec-
retary Bryan awaiting the Huerta govern-
ment's reply to the preliminary note de-
livered by President Wilson's personal
representative, John Lind, to Mexican
Foreign Minister Gamboa, outlining the
position of the United States.

Mr. Bryan let it be known that he ex-
pected no reply for a day or two. The
fact that Envoys Lind has established re-
lations with the Huerta government
through Minister Gamboa, following re-
ported declarations which almost threat-
ened deportation of President Wilson's
personal representative, leads officials
here to take a more hopeful view of the
situation.

Constitutionalists Are Alert
Representatives of the constitutionalists
here are watching developments with
keenest interest. If Huerta is disposed
to accept that part of the American pro-
posal looking to elections, that element
may come into these negotiations.

As the Mexican constitution prohibits
the holding of a general election during
a period of insurrection, to comply with
President Wilson's desire for a free and
fair election something would be done
to induce the constitutionalists to con-
sent to a truce.

So far, it is stated officially, the ad-
ministration here has had no communi-
cation directly with the constitutionalists.
The reading of telegraphic communi-
cation between Juarez and the city of
Chihuahua was announced to the state
department today by receipt of a mes-
sage from the American consul confir-
ming the previous report from the consul
at Juarez of the safety of the Ameri-
can automobile party, whose perilous situ-
ation led Senator Penrose to address the
Senate last Friday.

Asylum of Harry K. Thaw was received
here in the early forenoon and the police
began a close watch for out-of-the-state
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"automobile" party, whose perilous situ-
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ation led Senator Penrose to address the
Senate last Friday.

A report this evening was that in the
hills a few miles from this city there is
a burglar which recently was placed in
preparation for a house party. It is in
a secluded spot and can be reached only
by a long tramp over the hills. Its exact
location has not been revealed.

Details of Escape
Poughkeepsie, N. Y., August 17.—At
midnight Sheriff Hornbeck said he had
had a talk with Howard Barnum, the
Matteawan guard, who opened the gate
when Harry Thaw escaped, and that
Barnum denied absolutely that he re-
ceived any money from Thaw or his
agent, and declared he was as much
surprised as the public at Thaw's escape.

"A man named Hickey drove up to
the gate which Thaw had been waiting
and rang the bell for admittance. When I
opened the gate to admit him Thaw was
standing back of me, and he and other pris-
oners who had the liberty of the yard
saw him. He was dressed in a suit and
carried a bag. He was not armed, and
the gate was open and I stood in the open-
ing a large black touring car drove up
to the gate at an easy pace. He sud-
denly dashed for the car and leaped
upon the running board. The car put
on high speed and Thaw was whisked
away in a moment the car being hid-
den by a cloud of dust. I then notified
Dr. Keib of Thaw's escape."

Canada on Lookout
Ottawa, Ont., August 17.—Canadian
authorities were notified today from
the United States that Harry K. Thaw
who escaped from Matteawan N. Y.,
asylum today, was reported to be head-
ing for Canada. An order was issued to
every dominion immigration inspector
upon the border to build a close watch
on all trains, especially Pull-
man cars, and to have international
highways watched for automobiles.

The charge against Thaw was that he
will be held there and if he gets across
the border and is caught he will be
sent back as an undesirable.

Barnum in Jail
Matteawan, N. Y., August 17.—How-
ard H. Barnum, the gatekeeper whom
Thaw eluded in his dash for the wait-
ing automobile, was lodged in the
county jail at Poughkeepsie tonight
on a charge of aiding and abetting
Thaw in his escape. Sheriff Hornbeck
and John E. Mack of the district at-
torney's office took Barnum in an auto-
mobile from the jail. An almighty "third
degree" ordeal awaited him there, it
was said.

New England on Watch
Boston, August 17.—The police of
New England watched for Harry Thaw
in rain today. News of his escape as
received early in the forenoon and
passed along to the country districts.

At every crossroads, constables
watched passing motor cars with extra
vigilance, and along the coast marine
observers tried to pick up a conspicuous
looking motor boat or yacht. But no
word of Thaw had been received to-
night.

The police operated on two theories.
One was that Thaw continued in his
automobile through Western Connecti-
cut into the Berkshires, and through
Vermont to the Canadian line. The
other view was that Thaw's flight con-
tinued into New England; he left the
Connecticut shores in a motorboat
whisked across the water, and landed
within a few miles of the Canadian
border at sea where he was trans-
ferred to a yacht.

No One Sees Vessel
South Norwalk, Conn., August 17.—In-
quiry here failed to throw any definite
light tonight on reports that Harry K.
Thaw, who escaped from Matteawan this
one at any of the shorepoints near the city
and sailed from here on a yacht which
had been in waiting to receive him. No
one at any of the shorepoints near the city
could be found who had seen any vessel
which might have been the one reported
to have taken off the fugitive.

NEITHER SULZER NOR
GLYNN COMMENT ON
THE THAW ESCAPE

Both Spend Quiet Sabbath
Despite Turmoil of the
Past Week

SULZER SPENDS DAY
AT WIFE'S BEDSIDE

Improvement Noted in Condition of
Mrs. Sulzer—Sharp Break Is Ex-
pected in Armistice When the
Board Meets Today

Albany, N. Y., August 17.—Both Gov-
nor Sulzer and Lieut. Gov. Martin H.
Glynn, who claims to be acting governor,
spent a quiet Sabbath. Mr. Sulzer did not
go to church as usual, but spent most of
the day at the bedside of his stricken wife
and was much encouraged at the favora-
ble report of her nurse. A few friends
and advisers called during the day and he
enjoyed a short automobile ride late in the
afternoon.

Mr. Sulzer was informed of the escape
of Harry K. Thaw from the Matteawan
state hospital for the criminal insane, but
did not discuss the matter.

Mr. Glynn's day was spent quietly at
Cedar Hill, his summer home. He ex-
pressed interest in the news of Thaw's
escape and inquired eagerly for details,
but offered no comment. He, however,
sent telegrams to Superintendent Keib of
Matteawan and Superintendent Riley of
the state prison department requesting de-
tailed information of the escape.

Mrs. Sulzer Improves
The following bulletin on Mrs. Sulzer's
condition was issued today:

"Mrs. Sulzer is resting comfortably.
While her temperature remains high at
102, she feels less nervous and passed a
much more restful night."

A sharp break in the holiday armistice
is expected when the trustees of public build-
ings hold a session tomorrow. The mem-
bers of this board are the governor, lieuten-
ant governor and speaker of the as-
sembly. It is understood that Lieutenant
Governor Glynn, Senator Wagner and
Speaker Smith will hold the meeting with-
out consulting Governor Sulzer, who in
any event would be unable to hold a meet-
ing of his own for lack of a quorum.

Lawyers who have studied carefully the
text of Governor Sulzer's final letter to
Lieutenant Governor Glynn express the
opinion that it foreshadows an attempt by
Mr. Sulzer alone to bring into the courts
the question as to whether he or Lieuten-
ant Governor Glynn is the lawful chief
executive, pending the decision of the
court of impeachment.

The old report is revived that this will
be done through the medium of a pardon.
It is said that Governor Sulzer may pardon
some convict whose term has nearly
expired and that by a mutual understand-
ing with Ward Clancy, one of his appointees,
will decline to recognize the pardon, thus
opening the door to court action by means
of mandamus or habeas corpus proceed-
ings.

Hinman's Course Commended
A statement by William Barnes, chair-
man of the republican state committee,
commending the course of Harold J. Hin-
man, minority leader of the assembly, in
opposing the impeachment resolution, has
drawn considerable comment. It is con-
sidered that Mr. Barnes bases his ap-
proval entirely on the inadequacy of the
report of the Frawley committee and that
he considers his conclusion that Mr.
Glynn now undoubtedly is the acting gov-
ernor.

Some of the Glynn partisans construe
the Barnes statement to be tantamount to
serving notice that political opinions are
not expected to sway in any degree the
attitude of the republican senators in the
trial.

There are 17 republican senators and
only 9 votes in favor of Governor Sulzer
would prevent impeachment. This as-
sumes that all the justices of the court
of appeals and all the senators will take
part in the trial.

NOTABLES ATTEND
LOCKE'S FUNERAL

Pittsburg, August 17.—The funeral of
William H. Locke, president of the
Philadelphia National league baseball
club, who died at Ventnor, N. J., last
Thursday, was held this afternoon from
the home of his mother, Mrs. Charles
E. Locke. The services were conducted
by the Rev. J. S. Payton, assistant
pastor of Christ's Methodist Episcopal
church, of which Mr. Locke was a
member.

Over a score of notable baseball men
were in attendance, including President
Lynch and Secretary Heydler of the
National league, President Johnson of
the American league, and officials of
all the National league clubs.

Big Fire Reported
Omaha, August 17.—Fire broke
out near the heart of the business
district of Omaha tonight.
Three large mercantile houses are
burning. The Rome hotel, one of
the largest hostilities in the city, is
threatened. The fire is in the block
between Sixteenth and Fifteenth
streets, and Howard.

LIGHT RAINS FALL
IN SOUTHEAST TEXAS

Dallas, August 17.—Rain was generally
reported over North and Southwest Texas
last night and today, but in many coun-
ties was scattered and light, and failed
to relieve the extended drought. A slight
precipitation was registered at San An-
tonio. In the region about Austin, Waco
and Beaumont, the rains seemed general
and Dallas received intermittent showers.

Henry Comments
Representative Henry said that slow
progress on the currency measure was
(Continued on Page Two)

TODAY'S AGE-HERALD

1.—Thaw escapes from Matteawan in auto-
mobile.
Administration now awaiting a reply
from Huerta.
Neither Sulzer nor Glynn comment on
Thaw's escape.
Congress gives up all hope of having
vacation this year.
2.—Cahoun county much interested in
state politics.
3.—State news section.
4.—Holland letter.
5.—Editorial comment.
6.—Two arrested on charge of blowing car
safe near Hattiesburg.
Hearing on tax raises will be concluded
today.
Preparations for state fair begun.
Superintendent is not confined to the un-
educated.
Dr. Garrison at his new church.
7.—Better feeling in financial circles.
Marion Harland hints.
8.—Picnic Thursday at Summerfield.

CONGRESS GIVES UP
ALL HOPE OF HAVING
VACATION THIS YEARBRIEF ON CLAYTON'S
APPOINTMENT IS
PREPARED BY TROY

Submits Same to the Senate
Committee on Elections.
Believes O'Neal Had
Authority

Montgomery, August 17, (Special.)
Daniel W. Troy, special counsel to Gov-
ernor O'Neal, has prepared a brief on
the appointment of Congressman Henry
D. Clayton as successor to United
States Senator Joseph F. Johnston,
which he submitted to the senate com-
mittee on privileges and elections. In
his brief Mr. Troy holds that Governor
O'Neal had authority to appoint Mr.
Clayton as successor to the late Sen-
ator Johnston and gives his reasons for
this belief.

"It is believed that the questions
thought to exist in this matter have no
real existence whatever, and must at
once disappear when the language of
the seventeenth amendment is tested
by the only standard which can have
application," says Mr. Troy.

Mr. Troy points out in his brief the
fact that the state in ratifying the
seventeenth amendment could only have
considered what really went into the
constitution and could not consider the
senate journals as to why the amend-
ment was adopted. Mr. Troy holds
that in construing the amendment that
it can only be considered in the light
of those of the old order as and when
the single standard of application.
Otherwise the condition would become
chaotic.

In his brief Mr. Troy declares that
the third section of the amendment is
plain in that it was not to effect the
term of any senator chosen before it be-
came valid as a part of the constitu-
tion.

"The clear intent is that until the
term of office of each senator elected
under the old system prior to the
amendment has expired in the hands
of the single standard of application.
Law, the new system is not to be ap-
plied to that particular term of of-
fice. Any other meaning would throw
the manner of transition from the old
to the new into a chaotic jumble and
entirely destroy the uniform transi-
tion from the old to the new, and which
result in an orderly substitution of
popularly elective senators in lieu
of those of the old order," says Mr.
Troy.

Copies of the brief have been mailed
to all the members of the senate com-
mittee on privileges and elections.

BELIEVED LEO FRANK
WILL KNOW HIS FATE
BY END OF THE WEEK

Interest Now Centers About
Appearance on Witness
Stand of Defendant

Atlanta, August 17.—That the trial
of Leo M. Frank for the murder of
14-year-old Mary Phagan would be
concluded, and the fate of the accused
factory superintendent be in the hands
of the jury before the close of the
present week was today confidently
predicted by attorneys for both defense
and prosecution.

Interest is now centered about the
appearance on the witness stand of
Frank, who will, according to the an-
nounced plans of the defense, make a
statement in open court covering his
version of the murder. Under the Georgia
law Frank may make this statement
without being sworn, and without
prompting on the part of his attorneys.

The prosecution has no right to ques-
tion him either during or after his
statement. It is expected that the de-
fense will close its case when Frank